

Effective 3/28/2016

63G-6a-1206 Rules and regulations to determine allowable incurred costs -- Required information.

- (1)
 - (a) The applicable rulemaking authority may, by rule, establish the cost principles to be included in a cost-reimbursement contract to determine incurred costs for the purpose of calculating a reimbursement.
 - (b) The cost principles established by rule under Subsection (1)(a) may be modified, by contract, if the procurement officer or the head of the issuing procurement unit approves the modification.
- (2) Except as provided in Subsection (5), a person who seeks to be, or is, a party in a cost-based contract with a procurement unit shall:
 - (a) submit cost or pricing data relating to determining the cost or pricing amount; and
 - (b) certify that, to the best of the contractor's knowledge and belief, the cost or pricing data submitted is accurate and complete as of the date specified by the procurement unit.
- (3) The procurement officer shall ensure that the date specified under Subsection (2)(b) is before:
 - (a) the pricing of any contract awarded by a standard procurement process or pursuant to a sole source procurement, if the total contract price is expected to exceed an amount established by rule made by the applicable rulemaking authority; or
 - (b) the pricing of any change order that is expected to exceed an amount established by rule made by the applicable rulemaking authority.
- (4) A contract or change order that requires a certification described in Subsection (2) shall include a provision that the price to the procurement unit, including profit or fee, shall be adjusted to exclude any significant sums by which the procurement unit finds that the price was increased because the contractor provided cost or pricing data that was inaccurate, incomplete, or not current as of the date specified by the procurement officer.
- (5) A procurement unit is not required to comply with Subsection (2) if:
 - (a) the contract price is based on adequate price competition;
 - (b) the contract price is based on established catalogue prices or market prices;
 - (c) the contract price is set by law or rule; or
 - (d) the procurement states, in writing:
 - (i) that, in accordance with rules made by the applicable rulemaking authority, the requirements of Subsection (2) may be waived; and
 - (ii) the reasons for the waiver.

Amended by Chapter 355, 2016 General Session